

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEWELL L. deROCHE,

No. C-06-0865 MMC

Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
UNOPPOSED REQUEST FOR
EXTENSION OF DEADLINE TO FILE
AMENDED COMPLAINT AND FOR
PRODUCTION OF PLAN SUMMARY**

v.

UNITED HEALTHCARE,

Defendant

(Docket No. 25)

Before the Court is plaintiff's request, filed August 22, 2006, for a six-month extension of the August 25, 2006 deadline to file an amended complaint, and for an order requiring defendant to provide him with a copy of the "GE United HealthCare Plan Summary." To date, defendant has not filed a response to plaintiff's request. For the reasons set forth below, the request is hereby GRANTED in part and DENIED in part.

On July 26, 2006, the Court granted defendant's motion for summary judgment with respect to plaintiff's claims for breach of contract, on the ground such claims are preempted by the Employee Retirement Income Security Act of 1974 ("ERISA"), and afforded plaintiff leave to file an amended complaint, no later than August 25, 2006, for the purpose of asserting an ERISA claim.

Plaintiff now states he needs a six-month extension of the August 25, 2006 deadline in order to continue his search for counsel to represent him in the instant action or, if he is

1 unable to obtain counsel, to afford him additional time to attempt to assert an ERISA claim
2 himself. Although plaintiff has not set forth good cause for a six-month extension of the
3 deadline, plaintiff has set forth good cause for a shorter extension. Accordingly, to the
4 extent plaintiff seeks an extension, the request is hereby GRANTED in part, and the
5 deadline for plaintiff to file an amended complaint is hereby EXTENDED from August 25,
6 2006 to September 29, 2006.

7 To the extent plaintiff seeks a copy of the "GE United HealthCare Plan Summary,"
8 the request is hereby GRANTED. Defendant shall provide plaintiff with a copy of the
9 applicable summary plan description no later than September 8, 2006. See 29 U.S.C. §
10 1024(b)(4) (requiring plan administrator to provide copy of summary plan description upon
11 written request of any participant or beneficiary). All future requests by plaintiff during the
12 course of the instant litigation, whether for documents or other information, shall be
13 directed to defendant in writing, pursuant to the applicable Federal Rules of Civil Procedure
14 governing discovery. See, e.g., Fed. R. Civ. P. 26 through 36.

15 **IT IS SO ORDERED.**

16 Dated: August 31, 2006

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18 MAXINE M. CHESNEY
19 United States District Judge
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